

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Modtaget den
13 JUNI 2005
PCT Awapatent A/S

To:

AWAPATENT A/S
Tegholm Allé 13
2450 Copenhagen SV
DANEMARK

WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY
EXAMINING AUTHORITY
(PCT Rule 66)

Date of mailing (day/month/year)	09.06.2005
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Applicant's or agent's file reference 99000536/CHE	REPLY DUE within 2 month(s) from the above date of mailing
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International application No. PCT/B 03/03868	International filing date (day/month/year) 10.09.2003	Priority date (day/month/year) 10.09.2003
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International Patent Classification (IPC) or both national classification and IPC
H04L29/08

Applicant
NOKIA CORPORATION et al.

1. ☒ The written opinion established by the International Searching Authority:
☐ is ☒ is not
 considered to be a written opinion of the International Preliminary Examining Authority
2. This first report contains indications relating to the following items:
 - ☒ Box No. I Basis of the opinion
 - ☐ Box No. II Priority
 - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - ☐ Box No. IV Lack of unity of invention
 - ☒ Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - ☐ Box No. VI Certain documents cited
 - ☐ Box No. VII Certain defects in the international application
 - ☒ Box No. VIII Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis. For an informal communication with the examiner, see Rule 66.6. For an additional opportunity to submit amendments, see Rule 66.4.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is: 10.01.2006

Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Huber, O Telephone No. +49 89 2399-8967
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International application No.
PCT/IB 03/03868

Box No. I · Basis of the opinion

- Description, Pages**

Claims, Numbers

Drawings, Sheets

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

- Form PCT/PEA/408 (January 2004)

**WRITTEN OPINION OF THE INTERNATIONAL
PRELIMINARY EXAMINING AUTHORITY**International application No.
PCT/B 03/03868

Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-27
Inventive step (IS)	Yes: Claims	
	No: Claims	1-27
Industrial applicability (IA)	Yes: Claims	1-27
	No: Claims	

2. Citations and explanations:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**WRITTEN OPINION OF THE INTERNATIONAL
PRELIMINARY EXAMINING AUTHORITY
(SEPARATE SHEET)**

International application No.

PCT/IB 03/03868

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following documents:

D1: US-B1-6 219 697 (LING SALIM ET AL) 17 April 2001 (2001-04-17)

D2: US-A-6 122 287 (LOEBBERT ACHIM ET AL) 19 September 2000 (2000-09-19)

1. Although independent claim 1 is not clear (see Item 8), the present application does not seem to meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

The document D1 discloses (the references in parentheses applying to this document):

A system for providing data communication between modules connected through port connectors (column 1, lines 21-22: "interconnects ... modules"), wherein said modules are adapted to communicate a data package (fig. 7c) comprising in a layered structure a physical layer (column 1, lines 57-67) comprising a first and second segment for encapsulating other layers in said package (fig. 7c, "CPH", "IP packet"), a data link layer comprising a first header with a payload type (fig. 7c: "protocol_type") and a second header field for a data link layer version (fig. 7c, "pn-version"), and a network/transport layer comprising a third header for a transmitting modules address (fig. 7c, ip_source_address), a fourth header field for a length of said data package (fig. 7c, ip_total_length) and data payload (fig. 7c ip_data).

2. The same reasoning applies, mutatis mutandis, to the subject-matter of the corresponding independent claims 18 and 24-27 which therefore are also considered not new.
3. Dependent claims 2-17 and 19-23 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty, see document D1 and the corresponding passages cited in the search report.

Re Item VIII

Independent Claims 1, 18 and 24-27 are not clear (Article 6 PCT), because it is not defined how the "first and second segments" are limited from each other, i.e. which fields are in which segments. Furthermore, to define segments alone does not provide a technical effect.

Further it is unclear if the "transmitting module's address" is the source or destination address.

The "length of said data package" seems to include all the layer headers in the total length. It is not clear how this information would be provided in the network layer as layers usually give information about layers above and not below.

The whole layout of claim 1 does not suggest any difference to the standard OSI layer model. If such difference exist, it should be reflected in the correct two part form of the claim.